

**City of Fayetteville**  
**Regular Mayor and City Council Meeting**  
**Minutes**  
**August 21, 2014**

**Call to Order**

The Mayor and City Council of Fayetteville met in regular session on August 21, 2014 at 7:00 p.m. in the Council Chambers at City Hall. Mayor Clifton called the meeting to order, followed by Opening Prayer and asked Boy Scouts to lead those attending in the Pledge of Allegiance to the Flag. Council members present were: Mickey Edwards, Edward Johnson, Paul Oddo, and James Williams. Councilmember Scott Stacy was absent. Staff members present were Acting City Manager Ellen Walls and City Clerk Anne Barksdale.

Johnson moved to approve the minutes of the regular Council Meeting of August 7, 2014. Edwards seconded the motion. Motion carried unanimously.

Oddo moved to approve the amended minutes from the regular Council Meeting of June 5, 2014.

Brian Wismer, Director of Community Development stated the amendment provides specific details of the approved variances for the Hood Avenue/Highway 92 Realignment Project which is needed for the supporting documents to close on the remnant parcels.

Johnson seconded the motion. Motion carried unanimously.

Williams moved to add Executive Session to discuss personnel issue to the agenda under New Business. Oddo seconded the motion. Motion carried unanimously.

**Recognition and Presentations:**

Ellen Walls, Acting City Manager introduced Mike Bush, our new Director of Finance and Administrative Services and welcomed him to the City of Fayetteville.

Mayor Clifton called Mike Bush, Director of Finance and Administration to present CAFR Award for FY 2013 to Carleetha Talmadge, Assistant Director of Finance.

Mr. Bush is the Treasurer of the GGFOA (Georgia Government Finance Officers Association) and as such he read a prepared statement from GGFOA explaining the award to the City of Fayetteville.

He stated much appreciation goes to Lynn Robinson and Ellen Walls, Directors of Finance and their staff for this achievement. This represents the eighteenth (18<sup>th</sup>) consecutive year that the City of Fayetteville has received this award.

Mayor Clifton added congratulations to the Finance Directors and staff and welcomed Mr. Bush to the team.

### **Public Hearings:**

Mayor Clifton called Consider Proposed 2014 Millage Rate – Public Hearing.

Mike Bush, Director of Finance and Administrative Services stated Staff is recommending a millage rate of 3.874 for calendar year 2014 as indicated on the form PT32.1 – Computation of Millage Rate Rollback and Percentage Increase in Property Taxes. This millage rate is being rolled back in its entirety. The millage equivalent of reassessed value is an increase of .052 mills over 2013's mill rate. The digest for calendar year 2014 increased by 1.38% over calendar year 2013 for the reassessment of existing real property. Other changes to taxable digest increased by 2.47% for calendar year 2014 over calendar year 2013. Therefore, the overall digest increased by 3.85%.

He added, the General Fund's millage rate will be 2.679 mills and Capital Projects Fund's millage rate will be 1.195 mills for the 2014 digest. A mill will be worth \$722,766 which equates to total digest taxes of \$2,799,996. In comparison to 2013 total digest taxes this is an increase of \$67,703.

Attached are the required documents; Form PT-38, City Millage Rate Certification, Computation of Millage Rate Rollback and Percentage Increase in Property Taxes for Year 2014 form, and the City of Fayetteville 2014 Tax Digest and 5 Year History of Levy. The Form Pt-38 and the Computation of Millage Rate Rollback and Percentage Increase in Property Taxes for Year 2014 form can be signed by the City Manager upon approval of the millage rate of 3.874 mills by the City Council.

Considering economic growth in Fayetteville, Mayor Clifton asked Mr. Bill Foley of Pinewood Studios about the growth and number of CO's there. Mr. Foley stated we have six stages including workshop and office building. He said we will add four more stages and more office/workshop space by next summer. More growth is coming with other businesses starting up at Pinewood, he added.

Councilmember Williams congratulated staff on bringing down the millage rate.

There were no public comments.

Oddo moved to approve Proposed 2014 Millage Rate of 3.874 mills, allowing the City Manager to sign. Edwards seconded the motion. Motion carried unanimously.

Mayor Clifton called Consider #0-14-14 – Rezone Eight (8) Acres on Veteran’s Parkway from R-70 to OI for Georgia Military College (GMC) – 2<sup>nd</sup> Reading.

Brian Wismer, Director of Community Development stated the applicant is seeking a rezoning of an 8.6 acre parcel located near the intersection of Sandy Creek Road and Veterans Parkway for the location of a Ga. Military College campus. Last month, the property was subdivided from a larger 40 acre tract and received preliminary plat approval from the Planning & Zoning Commission. The property is currently zoned R-70 and was a part of the major annexation that took place last year. The applicant is seeking Office - Institutional (OI) zoning which is the least intense zoning category that will allow a college campus as a permitted use. Ultimately, the applicant will seek to build two, 20,000 square feet educational buildings with associated parking on the site. Much of the surrounding and adjacent parcels are largely undeveloped, but the property is within close proximity to Piedmont Fayette Hospital.

The Ga. Military College will be a tremendous asset to the community and will set the precedent for non-Pinewood related, future development of the West Fayetteville area. During the preliminary plat design process, Staff worked with the applicant on the front end to coordinate their site plan with the new goals and guidelines that are currently under development. Staff is also working with the applicant to formulate the best path for sewer service to the site. Because of the benefits this development will bring to the City, Staff recommends approval of the rezoning as submitted. He added this would be effective as of September 1, 2014.

Williams moved to approve #0-14-14 – Rezone Eight (8) Acres on Veteran’s Parkway from R-70 to OI for Georgia Military College (GMC), effective September 1, 2014. Oddo seconded the motion. Motion carried unanimously.

### **Old Business:**

Mayor Clifton called Consider #0-10-14 – Motorized Cart Ordinance.

Brian Wismer, Director of Community Development stated on March 28, 2014 the City received correspondence from Fayette County on a newly adopted Motorized Cart Ordinance. The revisions were put in place in an effort to synchronize the County’s regulations with regulations currently existing in other jurisdictions within Fayette County. Part of the ordinance is to recognize reciprocity between operating permits issued elsewhere in the County so that individuals are not required to carry separate registrations. As the cities and County continue to plan for a multi-use path network that spans and connects all of its jurisdictions together, it will become increasingly commonplace for its citizens to cross their motorized carts over jurisdictional lines. The proposed revisions will help to ensure that the same rules apply to motorized carts regardless of location within the County-wide path network.

The key revisions are as follows:

1. The City will honor cart permits issued anywhere else in the County, and vice-versa.
2. Holders of a valid learner's permit shall be permitted to operate a cart.
3. Individuals at least 12 years of age shall be permitted to operate a cart, as long as they are accompanied in the front seat by a licensed driver aged 18 or older.
4. Update of the authorized street listing to include Lafayette Avenue.

Mr. Wismer said during the July 17<sup>th</sup> City Council meeting, Council directed Staff to explore further modifications to the ordinance that would allow for motorized carts to travel along the existing sidewalk infrastructure within the City.

The ordinance currently makes allowances for motorized cart travel along sidewalks, but restricts it to City sidewalks; meaning, sidewalks along City streets as opposed to state highways. The main reason for this is that GDOT has specific standards for "Shared Use Paths" relating to minimum widths and buffers from the roadway. Most of the sidewalks in these areas do not meet GDOT's minimum standards, and so it would not be prudent to specifically authorize their use within the City ordinance.

He added, Staff has made further clarifications to the ordinance text reaffirming that city sidewalks are available for motorized cart use.

During the August 7, 2014 City Council meeting, Council directed Staff to confirm that the ordinance allows for motorized carts to cross City streets. The ordinance does currently allow motorized cart crossings of City streets, provided it occurs at an authorized crossing location (i.e. designated crosswalks for pedestrians, carts, etc.).

Staff agrees with the changes to the ordinance as proposed and recommends approval in order to provide consistency between the City and its neighboring jurisdictions and further the connectivity goals via alternate forms of transportation.

There were no public comments.

Oddo moved to approve #0-10-14 – Motorized Cart Ordinance. Johnson seconded the motion. Motion carried unanimously.

Mayor Clifton called Consider Appeal of P&Z Denial of Elevations Application for Fayetteville Retail/Verizon Located at 1391 Highway 85 North.

Brian Wismer, Director of Community Development stated on June 24, 2014, the P&Z Commission reviewed and denied a retroactive request for approval of exterior elevation changes that were made to the front and right façades of the recently constructed Fayetteville Retail/Verizon building located

at 1391 N. Highway 85. The property is zoned C-3 (Highway Commercial) and is located in the Highway 85 Corridor Overlay District.

Development Plans were approved for this project on July 23, 2013. The final site inspection was done by staff on April 04, 2014 and approved per the elevations submitted with the original development plans.

Mr. Wismer continued, saying following this Staff received the Verizon sign application on April 29, 2014. The Building Department determined that the applicant was allowed 102 square feet of wall signage for the front wall and a total of 150 square feet combined for both the front and side façades. The sign application was approved by Building staff on May 2, 2014 for 61.52 sq ft of signage as was highlighted on the applicant's notes. Although an additional red border (or cladding) was shown on the application, it was specifically stated that the cladding was not part of the overall signage, but was actually a building element. This building element however, was not included in the original elevations approved by P&Z, but was installed as part of the sign installation anyway.

In order to determine the appropriateness of the modified elevations, Staff evaluated other buildings in the area and found that nearly all of the other buildings along the highway corridor use channel letters for signage against the primary brick or stucco façade. The closest comparison at all to this application would be O'Charley's Restaurant located at 1350 Highway 85 which has metal cladding on the top portion of its tower between its upper and lower crown moldings. In that example, the entire wall is patterned and does not appear to frame the sign. With this applicant's proposal, the primary purpose and effect of the red cladding is to enlarge the appearance of the signage, as it merely provides a high contrast background to the sign letters and has no apparent relevance to the building's architecture.

This is significant because the property is located within the Highway Corridor Overlay. The intent of this overlay is listed in Sec. 94-201 as follows:

*Sec. 94-201. State Highways 85, 54, 92, 314 and Jimmie Mayfield Corridor Overlay District.*

The purpose of the State Highways 85, 54, 92, 314 and Jimmie Mayfield Corridor Overlay District are as follows:

- (1) To provide for the safe and efficient use of highways;
- (2) To minimize congestion and the number of traffic conflict points;
- (3) To enhance the quality of development;
- (4) To protect and enhance the area's unique aesthetic character and natural environment and reduce unnecessary visual distractions;
- (5) To encourage the design of architecture, signage, and lighting which is harmonious with the natural surroundings and quality construction and design.

At Section 6-2(2), the Sign Ordinance provides the following guidance for wall signs. Definitions:

(2) *Wall sign.* The area of a wall sign shall mean and shall be computed using the smallest contiguous square, circle, rectangle, triangle, or combination thereof, that would encompass the external limits of the writing, representation, emblem, or other display, together with any material or color forming any integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. When a wall sign is formed by placing individual letters, numbers, or figures on the wall, without a distinguishing background, the area shall be determined by a contiguous perimeter drawn around all letters, numbers, figures, trademark, or other symbols, enclosing the limits of writing. Any letters, numbers, figures, trademarks, or graphics separated by 36 inches or more shall be considered two separate signs

He recommended, based on the definition of what constitutes a Wall Sign in the City ordinance, Staff has determined that the primary intent and purpose for the red cladding is to differentiate the sign from the backdrop against which it is placed and should be considered part of the overall signage. When measured with the cladding, the signage totals 220 square feet, which is 70 square feet over the total allowable square footage for this building. This is also contrary to the intent of the Highway Corridor Overlay to encourage harmonious and non-distracting architectural and signage design standards.

Mr. Wismer said at the August 7, 2014 City Council meeting, Council tabled this item to allow Staff to discuss with the City Attorney in order to determine the best course of action.

Through these findings and discussions, Staff has determined that the red cladding is a part of the Verizon sign by definition within the City ordinance. As such, it should not be considered a part of the building's elevation, contrary to the applicant's claim. For these reasons, a denial of this appeal for revised elevations is appropriate.

Because of the confusion created by the applicant's original sign permit request, should Council deny the appeal, Staff will work with the applicant to devise a mutually agreeable solution within the City's sign variance process.

Public Comments by resident Robert Jennings who stated he thinks the City is making a big mistake if they deny this appeal and the City could end up in a lawsuit over this.

Johnson moved to deny the Appeal of P&Z Denial of Elevations Application for Fayetteville Retail/Verizon Located at 1391 Highway 85 North. Williams seconded the motion. Motion carried 3-1; For – Johnson, Williams, Edwards, Against – Oddo.

### **New Business:**

Mayor Clifton called for Executive Session to discuss personnel matter.

Johnson moved to go into executive session to discuss personnel matter. Edwards seconded the motion. Motion carried unanimously.

Johnson moved to return to regular city council meeting. Oddo seconded the motion. Motion carried unanimously.

### **City Manager and Staff Reports:**

Ellen Walls, Acting City Manager stated there were no reports at this time.

Brian Wismer, Director of Community Development reminded everyone of Moovie Night this Saturday, showing “Back to the Future”. He also said Taste of Fayette is coming September 14<sup>th</sup>.

### **City Council and Committee Reports:**

Councilman Williams stated Council would review PD salary adjustment package presented by Mr. Orlando Castro.

### **Mayor’s Comments:**

Mayor Clifton congratulated our Leadership Fayette graduates, Joyce Waits, Alan Jones, and Scott Pitts and asked Chief Pitts to give a brief overview of the program.

Mayor Clifton stated he spent time at “Better Way Ministries” to get a better handle on what all they do for their clients and community.

### **Public Comments:**

Public Comments by St. Andrews Place resident Wanda Clark who stated the trash on Highway 314 to Highway 279 is out of control and she asked if the City was going to clean it up.

Mayor Clifton responded this was not in the City limits that this was Fayette County jurisdiction and Ellen Walls added the State highways are supposed to be taken care of by DOT. She said the City does clean the medians and right of ways for the State highways that are in our jurisdiction since DOT does not do a good job of picking up the trash. It was suggested Ms. Clark contact the County for help.

Mr. Orlando Castro, PD staff discussed and gave an overview of the salary adjustment package he presented to council. Mrs. Walls asked Mr. Castro to please provide a copy to the Finance Department.

Mayor Clifton asked Chief Pitts and Chief Jones to give their input on the morale of their departments that may be caused by salary issues.

The Citizen reporter, Ben Nelms asked if there was any action taken in Executive Session of which Acting City Manager Ellen Walls stated “no”.

Johnson moved to adjourn the meeting. Edwards seconded the motion. The motion carried unanimously.

Respectfully submitted,

---

Anne Barksdale, City Clerk